

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
vs.)) Criminal No.97-29
JULIO MELENDEZ)

MOTION TO WITHDRAW APPEARANCE

R. Damien Schorr, court appointed counsel to Julio Melendez, files this Motion to Withdraw Appearance and states the following in support:

1. I am filing this motion to withdraw my appearance because no relief is warranted in this case.
2. I was appointed in the mistaken belief that Julio Melendez might qualify for a sentence reduction based on the amendment to U.S.S.G. § 2D1.1 (the crack conversion ratio guideline), which is to be retroactively applied.
3. Julio Melendez was sentenced on Jun 16, 1998 to 46 months incarceration and three years supervised release. It appears from the Bureau of Prisons Inmate Locator function that he was released from federal custody on June 14, 2001. He would have completed his three years of supervised release by June 14, 2004.
4. There currently is only one Julio Melendez (full name Julio Gildo Melendez) in federal custody. He is located at FCI Fort Dix in New Jersey. Julio Gildo Melendez was convicted in the Southern District of Texas at Case No. 96-70 and sentenced on November 1, 1996 to 292 months incarceration, one year before this case was opened. I confirmed this with a call to the Bureau of Prisons Northeast Regional Office in Philadelphia, Pa.
5. Julio Gildo Melendez somehow was given a crack amendment questionnaire prepared by the Office of the Federal Public Defender for the Western District of Pennsylvania. He

completed that questionnaire and asked for counsel to be appointed. I was then appointed in the mistaken belief that Julio Gildo Melendez was under this Court's jurisdiction. This Court cannot grant Julio Gildo Melendez any relief.

6. I have sent a letter to Julio Gildo Melendez advising him that he is trying to get relief in the wrong court and advising him to contact the Federal Public Defender for the Southern District of Texas. I have copied the Federal Public Defender for the Southern District of Texas on that correspondence.
7. Since the Julio Melendez who was convicted in this Court is no longer in federal custody or on supervised release, there is no grounds on which to adjust his sentence for the retroactive crack conversion guidelines. In fact, he has never even sought relief. I therefore am moving to withdraw my appearance in this matter.

WHEREFORE, R. Damien Schorr, counsel for Julio Melendez, moves this Honorable Court to withdraw his appearance. A proposed Order is attached.

Respectfully submitted,

/s/ R. Damien Schorr
R. Damien Schorr
1015 Irwin Drive
Pittsburgh, PA 15236
(412) 884-1597

Counsel for Julio Melendez

Dated: June 17, 2008